

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

NEW MEXICO UNITED FOOD AND COMMERCIAL WORKERS UNION'S AND EMPLOYERS' HEALTH AND WELFARE TRUST FUND, on behalf of itself and all others similarly situated,	::	
Plaintiff,	::	Civil Action No. 07-cv-6916-JGK
v.	::	
PURDUE PHARMA L.P., PURDUE PHARMA, INC., THE PURDUE FREDERICK COMPANY, INC. d/b/a THE PURDUE FREDERICK COMPANY, P.F. LABORATORIES, INC., ABBOTT LABORATORIES, ABBOTT LABORATORIES, INC., MICHAEL FRIEDMAN, HOWARD R. UDELL, PAUL D. GOLDENHEIM, JOHN DOE Nos. 1 through 20, and JANE DOE Nos. 1 through 20,	::	
Defendants.	::	
AMERICAN FED'N OF STATE, COUNTY & MUNICIPAL EMPLOYEES, DISTRICT COUNCIL 47 HEALTH AND WELFARE FUND, et al.,	::	
Plaintiffs,	::	Civil Action No. 07-8761-JGK
v.	::	
PURDUE PHARMA L.P., and THE PURDUE FREDERICK COMPANY, INC.	::	
Defendants.	::	

PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY

PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY

Plaintiffs file this Notice of Supplemental Authority to inform the Court of the decision of the United States Court of Appeals for the Second Circuit in *City of New York v. Smokes-Spirits.com, Inc.* This opinion has direct bearing on Plaintiffs' claims under civil Racketeer Influenced and Corrupt Organizations Act ("RICO"). A copy of this decision is attached here to as Exhibit A.

Dated: September 5, 2008

By:

SEEEGER WEISS LLP

By /s/Christopher A. Seeger
Christopher A. Seeger, Esq. (CS-4880)
David Buchanan, Esq.
One William Street
New York, NY 10004
Tel: (212) 584-0700
Fax: (212) 584-0799
Plaintiffs' Lead and Liaison Counsel

SEEEGER WEISS LLP

Jonathan Shub, Esq. (pro hac vice)
TerriAnne Benedetto, Esq. (pro hac vice)
1515 Market Street, Suite 1380
Philadelphia, PA 19102
Tel: (215) 564-2300
Fax: (212) 851-8029
Attorneys for Plaintiffs

MURRAY LAW FIRM

James R. Dugan, II, Esq. (pro hac vice)
Douglas R. Plymale, Esq. (pro hac vice)
Stephen B. Murray, Jr., Esq.
Stephen B. Murray, Sr., Esq.
650 Poydras Street, Suite 2150
New Orleans, LA 70130
Tel: (504) 648-0180
Plaintiffs' Lead Counsel

COHEN PLACITELLA & ROTH

Stewart L. Cohen, Esq.
Christopher M. Placitella, Esq.
Two Commerce Square, Suite 2900
Philadelphia, PA 19103
Tel: (215) 567-3500
Plaintiffs' Lead Counsel

LEVIN, FISHBEIN, SEDRAN & BERMAN

Arnold Levin, Esq. (pro hac vice)
Fred Longer, Esq.
510 Walnut Street, Suite 500
Philadelphia, PA 19106
Tel: (215) 592-1500
Attorneys for Plaintiffs

SADIN LAW FIRM, P.C.

Arthur Sadin, Esq. (pro hac vice)
121 Magnolia Street, Suite 102
Friendswood, TX 77546
Tel: (281) 648-7711
Attorneys for Plaintiffs

YOUTZ & VALDEZ, P.C.

Shane Youtz, Esq. (pro hac vice)
420 Central Avenue, Southwest
Albuquerque, NM 87102
Attorneys for Plaintiffs

CHIMICLES & TIKELLIS, LLP

Steven A. Schwartz, Esq.
361 W. Lancaster Avenue
Haverford, PA 19041
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I, TerriAnne Benedetto, hereby certify that on September 5, 2008, I caused a true and correct copy of the foregoing document, Plaintiffs' Notice of Supplemental Authority to be served via ECF and email, on the following defense counsel of record:

Donald I Strauber, Esq.
Phoebe Anne Wilkinson, Esq.
Mary Therese Yelenick, Esq.
Gretchen N. Werwaiss, Esq.
CHADBOURNE & PARKE LLP
30 Rockefeller Plaza
New York, NY 10112
T. (212) 408-5100
F. (646) 710-1189

Counsel for defendants P.F. Laboratories, Inc., Purdue Pharma, Inc., Purdue Pharma, L.P., The Purdue Fredrick Company, Inc., Howard R. Udell, Michael Friedman, Paul D. Goldenheim

Chilton Davis Varner, Esq.
Robert K. Woo, Jr., Esq.
Stephen Devereaux, Esq.
Dan Willoughby, Esq.
KING & SPALDING
1180 Peachtree Street
Atlanta, GA 30309
T. (404) 572-4600
F: (404) 572-5100

Counsel for defendants P.F. Laboratories, Inc., Purdue Pharma, Inc., Purdue Pharma, L.P., The Purdue Fredrick Company, Inc., Howard R. Udell, Michael Friedman, Paul D. Goldenheim

Timothy C. Hester, Esq.
Mark H. Lynch, Esq.
Patrick S. Davies, Esq.
COVINGTON & BURLING LLP
1201 Pennsylvania Avenue, NW
Washington, DC 20004-2401
T: (202) 662-6000
F: (202) 662-6291

Of Counsel for defendants P.F. Laboratories, Inc., Purdue Pharma, Inc., Purdue Pharma, L.P., The Purdue Fredrick Company, Inc., Howard R. Udell, Michael Friedman, Paul D. Goldenheim

Michael Colbert Hartmere, Esq.
Matthew Terrence McLaughlin, Esq.
VENABLE LLP
Rockefeller Center
1270 Avenue of the Americas
25th Floor
New York, NY 10020
T. (212)-307-5500
F. (212)-307-5598 (fax)

Counsel for defendants Abbott Laboratories, Abbott Laboratories, Inc.

Paul F. Strain, Esq.
M. King Hill, Esq.
Mark D. Maneche, Esq.
VENABLE LLP
750 East Pratt Street, Suite 900
Baltimore, MD 21202
T: (410) 244-7400
F: (410) 244-7472

Counsel for defendants Abbott Laboratories, Abbott Laboratories, Inc.



TerriAnne Benedetto